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FILED

JUN 26 2009

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

1 VIKTOR KRAVCHENKO and
2 TETYANA KRAVCHENKO
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4 Telephone: (916) 952-7391

5 In Pro Per

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8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION
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12 In the Matter of)
13 VIKTOR KRAVCHENKO and)
TETYANA KRAVCHENKO,)
14 Debtors,)
15)
16 UKRANIAN FEDERAL)
CREDIT UNION,)
17 Plaintiff)
18 vs.)
19 VIKTOR KRAVCHENKO and)
TETYANA KRAVCHENKO,)
20 Defendant.)
21

Case Number: 09-22718 - C-7

09-2307-C ✓

DEFENDANTS OPPOSITION RESPONSE TO
PLAINTIFF'S ADVERSARY PROCEEDING

22 NOW COMES DEFENDANT VIKTOR KRAVCHENKO and TETYANA KRAVCHENKO,
23 in opposition to plaintiff UKRANIAN FEDERAL CREDIT UNION.

- 24 1. Defendants filed for Chapter 7 Bankruptcy on February 19, 2009
25 2. Notice of Filing report of no Distribution was filed on March 25, 2009.
26 3. Defendants received their Discharge of Debtor filed on June 1, 2009.
27 4. Plaintiff Certificate of Service was mailed on May 28, 2009, for Summons and Notice
28 Of Status Conference, Adversary Complaint, General Order, Notice to Pro Se
Debtors, and Answer.

1 5. Defendants filed for a line of credit with Petitioner on October 8, 2009, well in
2 advance of Defendants filing for Chapter 7 Bankruptcy.

3 **OPPOSITION TO FIRST CAUSE OF ACTION:**

4 6. Plaintiff has failed to identify the UKRAINIAN FEDERAL CREDIT UNION account
5 number in their complaint. There are two account assigned to the Defendants 33056120 and
6 330562265.

7 7. Defendant opened a line of credit account with Plaintiff on or about October 10, 2003,
8 at this time Defendants were (1) not insolvent, (2) had not considered filing for Chapter 7 Bankruptcy
9 and (3) were making their payments on time.

10 8. Up to the time they filed for Chapter 7 Bankruptcy, Defendants were gainfully
11 employed and able to meet their obligation. It was not until Defendant filed their Chapter 7
12 Bankruptcy that Plaintiff claimed Defendants to be insolvent.

13 9. Plaintiffs filed for bankruptcy protection because they used to own a home which high
14 APR of around 12%. The monthly payments of the home became an expense beyond Defendants
15 ability to pay. Petitioner had to borrow money from his credit cards and line of credit in order to meet
16 his debt obligations. Their hope was to have their home go up in price so that they can sell and pay
17 off their debts. As with many cases, the home drop and value and Defendants were unable to sell
18 their home and pay off their debts.

19 Plaintiff is seriously flawed in their assertion Defendants were insolvent at the time they took
20 out the line of credit with the UKRANIAN FEDERAL CREDIT UNION. The assertion Defendants
21 acted fraudulently and intentionally is totally absurd and uncalled for.

22 WHEREFORE, Defendants pray that:

- 23 1. Defendant be discharged from the debt owned to Plaintiff.
24 2. Plaintiff Complaint to Deny Discharge of Debt be denied.
25 3. For an award of court cost and attorney fees;
26 4. For whatever additional relief the court determines to be just and appropriate
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Dated: 06-25-09


VIKTOR KRAVCHENKO

COURT: US BANKRUPTCY COURT, EASTERN DISTRICT OF CALIFORNIA
CASE NAME: VIKTOR & TETYANA KRAVCHENKO V. UKRAINIAN FCU
CASE #: 09-22718-C-7

CERTIFICATE OF SERVICE

I am a citizen of the United States, employed in the County of Sacramento, State of California. My business address is 1000 Carrie Street, West Sacramento, California 95605.

I am over the age of eighteen (18) years and not a party to the above entitled action. I am readily familiar with PARALEGAL RESEARCH & EVALUATION SERVICES, practice for collection and processing of correspondence for mailing with the United States Postal Service. Pursuant to said practice, each document is placed in an envelope, the envelope is sealed, the appropriate postage is placed thereon and the sealed envelope is placed in the office mail receptacle. Each day's mail is collected and deposited in a U.S. mailbox at or before the close of each day's business.

On June 25, 2009, I caused the within, DEFENDANTS OPPOSITION RESPONSE TO PLAINTIFF'S ADVERSARY PROCEEDING, AND THIS PROOF OF SERVICE, served via:

() CERTIFIED MAIL

(x) MAILED

() FAXED

John R. Roberts
Trustee
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John D. Creedon, Esq.
Attorney at Law
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US Bankruptcy Court
Eastern District of California
501 "I" Street
Sacramento, California

I personally sent to the addressee's telecopier number a true copy of the above described document(s) I verified transmission and called the addressee(s) and verified receipt. Therefore, I placed a true copy in a sealed envelope with first class postage affixed and mailed as follows:

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Delivered by hand to the addressee addressed as follows:

I declare under penalty of perjury under the law of the State of California and the United States of America that the above is true and correct.


Julius C. Ortiz